

SB 989 REQUIREMENTS

Chapter 812, stats of 1999, Sher Effective January 1, 2000

The table on pages 1-3 contains amendments made to the Health and Safety Code (H&SC) by Senate Bill 989, which have mandated deadlines for action. Shaded text indicates SWRCB deadlines. The table on page 4 contains all other changes made by Senate Bill 989. For the complete text of Chapter 812, visit the legislative counsel's website at www.leginfo.ca.gov.

DEADLINE	REQUIREMENT	H&SC SECTION
01/01/00	All tank systems installed on and after this date must have under-dispenser containment.	25284.1(a)(5)(B)
04/01/00	The SWRCB must identify areas where groundwater is vulnerable to MTBE. The SWRCB must then focus prevention, investigation, and cleanup resources to these areas.	43013.1(c)
06/01/00	SWRCB must initiate field-based research program to determine whether new and upgraded tanks are leaking and the environmental significance of the leaks. The research program must:	25284.1(a)(1)
	• identify the source and causes of leaks and any deficiencies in leak detection systems.	25284.1(a)(1)(A)
	• include all types of tanks (single and double-walled and hybrids) in the research using a statistically valid sample of all operating UST systems.	25284.1(a)(1)(B)
	• include peer review.	25284.1(a)(1)(C)
	• be concluded by 06/01/02 (two years).	25284.1(a)(2)
	• result in development of appropriate changes to design, construction, monitoring, operation, and maintenance requirements for tank systems.	25284.1(a)(3)

DEADLINE	REQUIREMENT	H&SC SECTION
11/01/00	Owners or operators of USTs with a single-walled component must implement a program of enhanced leak detection if the UST system is within 1,000 feet of a public drinking water well as identified by the state GIS mapping data base.	25292.4(a)
	<p>The SWRCB must notify owners and operators of systems within 1,000 feet of a public drinking water wells of their responsibility to implement enhanced leak detection.</p> <p>SWRCB must provide local agencies with a list of tank systems within the local agency's jurisdiction that are within 1,000 feet of public drinking water wells.</p>	25292.4(b)
	The SWRCB must adopt regulations to implement the enhanced leak detection and monitoring program after consulting with the petroleum industry, local governments, environmental groups, and other interested parties to assess the appropriate technology. The SWRCB must consider existing technology and external monitoring techniques or procedures.	25292.4(c)
01/01/01	The SWRCB must convene a working group to evaluate options for dealing with noncompliant USTs left in-ground. The report is due t the secretary of Cal/EPA on 01/01/01.	Section 34
	<p>SWRCB must adopt regulations requiring:</p> <ul style="list-style-type: none"> owners and operators, service technicians, installers, and inspectors to meet industry established training standards and tank facilities to be operated following industry-established best management practices. 	25284.1(a)(4)
		25284.1(a)(4)(A)(i)
	<ul style="list-style-type: none"> testing of secondary containment components including under-dispenser and pump turbine containment at the time of installation and periodically thereafter. SWRCB must consult with the petroleum industry and local government. 	25284.1(a)(4)(B)

DEADLINE	REQUIREMENT	H&SC SECTION
01/01/01	<ul style="list-style-type: none"> • annual testing of release detection sensors and alarms. 	25284.1(a)(4)(C)
07/01/01	Owners and operators of post-7/1/87 installed tanks must install dispenser containment if their systems are within 1,000 ft. of a drinking water well, as identified by the state GIS mapping database.	25284.1(a)(5)(A)
	Contractors State License Board must review requirements for UST installation and removal contractors and must have made changes where appropriate to ensure contractors are qualified. CSLB must consult with SWRCB, the petroleum industry, air pollution control districts, air quality management districts, and local governments.	25284.1(b)
09/30/01	Recommendations due to the SWRCB by a panel of local agency and regional board representatives following review of existing enforcement authority. Panel must advise SWRCB of any changes necessary to enable local agencies to take adequate enforcement action against owners and operators. Based on panel recommendations, the SWRCB must establish enforcement procedures to deal with fraud.	25284.1(a)(6)
01/01/02	Anyone who installs, maintains, repairs, or calibrates monitoring equipment must be trained according to standards set by SWRCB in regulations <u>and</u> must have one of the following Contractors State License Board licenses: Class A, C-10, C-34, C-36, C-61.	25284.1(a)(5)(D)
06/01/02	SWRCB must complete the field-based research (see 06/01/00).	25284.1(a)(2)
12/31/03	<u>All</u> tank systems must have under-dispenser containment.	25284.1(a)(5)(C)

OTHER PROVISIONS OF CHAPTER 812 (SB 989)

This table contains amendments to Health and Safety Code (H&SC), Water Code, Government Code, and the Public Resources Code. These amendments are also effective January 1, 2000.

REQUIREMENT	H&SC SECTION
Local agencies must inspect every UST system at least annually.	25288(a)
Local agencies must send a copy of the inspection report to the owner or operator in addition to the permitholder (if not the same person).	25288(b)
Local agencies may require permitholders to employ special inspectors to conduct the annual inspection instead of and not in addition to the local agency inspection. The local agency must supply a list of at least three special inspectors and the permitholder must choose an inspector from the list.	25288(c)
The permitholder must, within 60 days of receiving a compliance report or special inspection report, file a plan with the local agency explaining how the report's recommendations will be implemented or why they should not be implemented.	25288(d)
[New violation] Operators are liable for a civil penalty of between \$500 and \$5,000 for each UST system for each day of violation for tampering with or otherwise disabling automatic leak detection devices or alarms.	25299(a)(9)
[New violation] Any person who intentionally tampers with or disables an automatic leak detection system in a manner that would prevent the system from detecting a leak or alerting the owner or operator of a leak, may be sentenced, upon conviction, either to pay a fine of between \$5,000 and \$10,000 or to be imprisoned for not more than one year in county jail, or both fine and imprisonment.	25299(d)(2)
[Clarification] Owners and operators are not prohibited from maintaining, repairing, or replacing automatic leak detection devices or alarms.	25299(g)
Testing for MTBE at cleanup sites is not required before a closure letter is issued if the local agency or Regional Board determines that the USTs contained only diesel or jet fuel.	25299.37.1(b)
Claims up to \$1,500,000 may be paid from the Cleanup Fund. This is an increase of \$500,000 per claim.	25299.51(c)
The Cleanup Fund is extended to 01/01/11 from the previous Sunset date of 01/01/05.	25299.81(a)

REQUIREMENT	H&SC SECTION
The Drinking Water Treatment and Research Fund is extended to 01/01/10 from the previous Sunset date of 01/01/02. The Fund may transfer \$5 million annually to clean up contaminated wells.	25299.99.2 and 25299.99.3
The Energy Commission must develop a timetable to phase out MTBE. The Secretary of Cal/EPA can prohibit MTBE in certain air basins.	43013.1, 43013.3
The Air Resources Board (ARB) may adopt regulations affecting motor vehicle fuel only after a multimedia evaluation of the regulations.	43830.8(a)
	OTHER LAWS
Persons performing site cleanups within two miles of a well may have access to well reports. Use of the reports is limited to conducting studies associated with groundwater investigations and cleanup.	Water Code Section 13752
Grants from the RUST program are available to those small business owners who meet specified requirements and must spend additional funds to upgrade their USTs pursuant to requirements in SB 989. Grant recipients are limited to a \$50,000 grant.	Government Code Section 15399.15
The ARB must assist local air districts to expedite the production of a new reformulated gasoline (Phase 3 RFG).	Public Resources Code Section 21178